

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1099 be amended to read as follows:

- 1 Page 3, delete lines 6 through 7.
- 2 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 3 **""Municipality" has the meaning set forth in IC 36-1-2-11."**
- 4 Page 5, delete lines 40 through 42.
- 5 Page 7, line 14, after "section" delete ".".
- 6 Page 7, line 14, after "misdemeanor." insert **"or under rules**
- 7 **adopted under section 3.5 of this chapter."**
- 8 Page 7, between lines 14 and 15, begin a new paragraph and insert:
- 9 **"SECTION 3. IC 22-11-14-3 IS AMENDED TO READ AS**
- 10 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The**
- 11 **governing body of the municipality shall require a certificate of**
- 12 **insurance conditioned for the payment of all damages which may be**
- 13 **caused either to a person or persons in an amount of not less than ten**
- 14 **thousand dollars (\$10,000) and to property in an amount of not less**
- 15 **than ten thousand dollars (\$10,000), by reason of the ~~licensed~~ public**
- 16 **display ~~permitted under section 2 of this chapter~~, and arising from**
- 17 **any acts of the ~~licensee~~, his ~~permittee~~ or the ~~permittee's~~ agents,**
- 18 **employees, or subcontractors. However, the governing body of the**
- 19 **municipality may in its discretion require additional amounts of**
- 20 **insurance coverage not to exceed one hundred thousand dollars**
- 21 **(\$100,000) for damages caused to a person or persons, or one hundred**
- 22 **thousand dollars (\$100,000) for damage to property.**
- 23 **(b) A person who fails to obtain a certificate of insurance required**
- 24 **under subsection (a) commits a Class A misdemeanor."**
- 25 Page 7, line 18, delete "may" and insert **"shall"**.
- 26 Page 7, line 19, delete "the chief of a municipal or" and insert
- 27 **"consumer and special fireworks may be purchased, transported,**
- 28 **delivered, or possessed for purposes of a public display of**
- 29 **fireworks by rules adopted under section 2(a)(1) of this chapter by**
- 30 **a person who has been issued a permit by rules adopted under**

- 1 **section 2(a)(2) of this chapter."**
- 2 Page 7, delete lines 20 through 22.
- 3 Page 7, line 28, after "(A)" insert "**fireworks**".
- 4 Page 7, line 28, after "wholesale" insert ";".
- 5 Page 7, line 28, strike "fireworks not prohibited by this chapter;".
- 6 Page 7, line 29, reset in roman "approved for sale in Indiana".
- 7 Page 7, line 29, after "Indiana" insert ";".
- 8 Page 7, line 29, strike "if".
- 9 Page 7, line 30, strike "they are to be".
- 10 Page 7, line 31, delete "used:".
- 11 Page 7, delete lines 32 through 36.
- 12 Page 8, delete lines 29 through 42.
- 13 Delete page 9.
- 14 Page 10, delete lines 1 through 8.
- 15 Page 10, line 23, delete ":".
- 16 Page 10, line 24, delete "(A)".
- 17 Page 10, run in lines 23 through 24.
- 18 Page 10, line 24, after "(\$1,000)" insert ".".
- 19 Page 10, line 24, delete "for the first location;".
- 20 Page 10, delete lines 25 through 32.
- 21 Page 11, line 26, delete "4.5,".
- 22 Page 11, line 26, reset in roman "8".
- 23 Page 11, line 26, after "8" insert ",".
- 24 Page 11, line 26, delete "8(a), 8(c),".
- 25 Page 11, line 29, delete "8(a)" and insert "8".
- 26 Page 11, delete lines 30 through 34.
- 27 Page 11, delete lines 41 through 42.
- 28 Page 12, delete lines 1 through 28.
- 29 Page 12, line 31, after "temporary" insert "**retail sales**".
- 30 Page 12, line 39, after "each" insert "**retail sales**".
- 31 Page 13, line 5, before "stand" insert "**retail sales**".
- 32 Page 13, line 10, after "each" insert "**retail sales**".
- 33 Page 13, delete lines 16 through 42, begin a new paragraph and
- 34 insert:
- 35 "SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **Except as**
- 37 **provided by rule adopted under the authority of section 3.5 of this**
- 38 **chapter**, a person shall not sell at retail, or offer for sale at retail, any
- 39 fireworks, novelties, or trick noisemakers other than the following:
- 40 (1) Dipped sticks or wire sparklers. However, total pyrotechnic
- 41 composition may not exceed one hundred (100) grams per item.
- 42 Devices containing chlorate or perchlorate salts may not exceed
- 43 five (5) grams in total composition per item.
- 44 (2) Cylindrical fountains.
- 45 (3) Cone fountains.
- 46 (4) Illuminating torches.

- 1 (5) Wheels.
  - 2 (6) Ground spinners.
  - 3 (7) Flitter sparklers.
  - 4 (8) Snakes or glow worms.
  - 5 (9) Smoke devices.
  - 6 (10) Trick noisemakers, which include:
  - 7 (A) Party poppers.
  - 8 (B) Booby traps.
  - 9 (C) Snappers.
  - 10 (D) Trick matches.
  - 11 (E) Cigarette loads.
  - 12 (F) Auto burglar alarms."
  - 13 Page 14, delete lines 1 through 9.
  - 14 Page 14, line 12, delete "special".
  - 15 Page 14, line 13, after "fireworks" delete ".".
  - 16 Page 14, line 13, reset in roman "not approved for sale in Indiana."
  - 17 Page 14, delete lines 34 through 42.
  - 18 Delete pages 15 through 16.
  - 19 Page 17, delete lines 1 through 22, begin a new paragraph and insert:
  - 20 "SECTION 11. [EFFECTIVE UPON PASSAGE] (a)
  - 21 **Notwithstanding IC 22-11-14-2(a), as amended by this act, and**
  - 22 **IC 22-11-14-3.5, as added by this act, the fire prevention and**
  - 23 **building safety commission shall carry out the duties imposed upon**
  - 24 **it by IC 22-11-14-2(a), as amended by this act, and**
  - 25 **IC 22-11-14-3.5, as added by this act, under interim written**
  - 26 **guidelines approved by the state fire marshal.**
  - 27 **(b) This SECTION expires the earlier of the following:**
  - 28 **(1) The date rules are adopted under IC 22-11-14-2(a), as**
  - 29 **amended by this act and IC 22-11-14-3.5, as added by this act.**
  - 30 **(2) December 31, 2007."**
  - 31 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1099 as printed February 24, 2006.)

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Senator ZAKAS